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SENATE

REPORT
101-64

REMOVING A RESTRICTION FROM A PARCEL OF LAND IN ROANOKE, VA, IN ORDER FOR THAT LAND TO BE CONVEYED TO THE STATE OF VIRGINIA FOR USE AS A VETERANS NURSING HOME

JULY 6 (legislative day, JANUARY 3), 1989.—Ordered to be printed

Filed under authority of the order of the Senate of June 22 (legislative day, January 3), 1989

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 310]

The Committee on Energy and Natural Resources, to which was referred the act (H.R. 310) to remove a restriction from a parcel of land in Roanoke, in order for that land to be conveyed to the State of Virginia for use as a veterans nursing home, having considered the same, reports favorably thereon without amendment and recommends that the act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 310 is to remove a restriction on land in Roanoke, Virginia, so that the property can be conveyed to the State of Virginia for use as a nursing home for veterans.

BACKGROUND AND NEED

In 1980, the Department of the Interior conveyed 16.8 acres of land to the city of Roanoke, Virginia. The property was part of the Veterans Administration Hospital Reservation and had been deeded to the city as surplus property pursuant to the Federal Property and Administrative Services Act of 1949, as amended. The parcel is adjacent to the Salem Veterans Administration hospital.

The conveyance deed restricts use of the property to public park or public recreation purposes. Due to the remote location of the park, limited local funds, and a change in city park and recreation priorities, the property has remained fenced and closed to the public since its acquisition by the city.

S313-15

The State of Virginia is currently attempting to establish a State nursing home for veterans. Because of its location adjacent to the Veterans Administration hospital, Veterans Park is the preferred site for such a home. The city of Roanoke has indicated that it is willing to transfer the site to the State for construction of the nursing home. Because of the restriction in the conveyance deed, the city is unable to transfer the property to the State absent federal legislation.

LEGISLATIVE HISTORY

H.R. 310 was introduced by Representative Jim Olin on January 3, 1989. The bill was favorably reported from the Interior and Insular Affairs Committee on April 10, 1989, and passed the House of Representatives by voice vote on April 11. Identical legislation, S. 284, was introduced in the Senate by Senators Warner and Robb.

The Senate Subcommittee on Public Lands, National Parks and Forests held a hearing on H.R. 310 on May 18, 1989. At the business meeting on June 21, 1989, the Senate Committee on Energy and Natural Resources ordered H.R. 310 favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on June 21, 1989, by a majority vote of a quorum present, recommends that the Senate pass H.R. 310, as described herein.

The rollcall vote on reporting the measure was 18 yeas, 1 nays, as follows:

Yeas	Nays
Mr. Johnston	Mr. Wallop
Mr. Bumpers	
Mr. Ford*	
Mr. Metzenbaum	
Mr. Bradley	
Mr. Bingaman	
Mr. Wirth	
Mr. Conrad*	
Mr. Heflin	
Mr. Rockefeller*	
Mr. McClure	
Mr. Hatfield*	
Mr. Mr. Domenici	
Mr. Murkowski	
Mr. Nickles*	
Mr. Burns	
Mr. Garn	
Mr. McConnell*	

* Indicates voted by proxy.

SECTION-BY-SECTION ANALYSIS

Section 1 directs the Secretary of the Interior to execute such instruments as may be necessary to remove the restriction that Veterans Park be used exclusively for public park or public recreation

purposes in perpetuity, so that the property may be conveyed by the city to the State of Virginia for use as a veterans nursing home.

Section 2 prohibits the Secretary from removing the restriction if the State of Virginia has not committed sufficient funds toward the construction of the nursing home within 4 years.

Section 3 provides that the property will revert to the United States is the land ceases to be used for the purposes of a veterans nursing home.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 26, 1989.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 310, an act to remove a restriction from a parcel of land in Roanoke, Virginia, in order for that land to be conveyed to the State of Virginia for use as a veterans nursing home, as ordered reported by the Senate Committee on Energy and Natural Resources, June 21, 1989. CBO expects the enactment of this legislation to result in no significant cost to the federal government or to state or local governments.

H.R. 310 would direct the Secretary of the Interior to remove federal restrictions on the use of about 16.8 acres of land previously conveyed to the city of Roanoke by the United States. This acreage would then be transferred to the Commonwealth of Virginia as a site for a new veterans nursing home.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 310. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsiblities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 310, as reported.

EXECUTIVE COMMUNICATIONS

On May 4, 1989, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on the Senate companion measure, S. 287. These reports had not been received at the time the report on H.R. 310 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Bureau of Land Management at the Subcommittee hearing follows:

STATEMENT OF ROBERT F. BURFORD, DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

I appreciate the opportunity to appear here today to discuss the views of the Department of the Interior on H.R. 310.

H.R. 310 would remove the restriction in a deed from the United States to the City of Roanoke, Virginia, that the land be used exclusively for public park or public recreation purposes. Removal of this restriction would permit the City to transfer the parcel to the Commonwealth of Virginia for use as a veterans nursing home.

Section 1(a) would direct the Secretary of the Interior to execute such instruments as may be necessary to remove the restriction that the 16.8 acre parcel of land, known as Veterans Park in Roanoke, Virginia, be used exclusively for public park or public recreation purposes in perpetuity. Removal of the restriction would be on the condition that the City transfer the land to the Commonwealth of Virginia for use as a veterans nursing home, and would be subject to the terms of section 2.

Section 2 provides that the Secretary may not remove the restriction if, within 4 years after enactment, the Commonwealth of Virginia has not committed funds to the parcel sufficient either to comply with the State's funding obligation for a grant application under 38 U.S.C. 5035, or to construct a veterans nursing home without a Federal grant.

Section 3 would provide for reversion to the United States if, after removal of the restriction, the parcel ceases to be used for the purposes of a veterans nursing home.

We have no objection to removal of the restriction on use and the transfer of the parcel to the Commonwealth of Virginia for use as a veterans nursing home. This location would place the veterans nursing home conveniently and appropriately adjacent to a veterans hospital.

Consistent with the Administration's policy on lands conveyed to local governments for public purposes, the bill adequately provides for the return of the property to the United States in the event it is not used as a veterans nursing home.

The removal of the reverter provision will not modify or affect any other applicable reservations, exceptions, re-

strictions, conditions or covenants that are contained in the deed to the city.

This concludes my prepared statement. I will be pleased to answer questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 310, as reported.

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